

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

Court of Master Sommeliers Americas,

Plaintiff,

v.

Ashley Broshious and How To Drink Wine,

Defendants.

Case No. 2:25-cv-05255-RMG

ORDER AND OPINION

Plaintiff filed a motion to stay discovery (Dkt. No. 16) pending the Court's resolution of its motion to dismiss Defendants' Counterclaims pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). (Dkt. No. 15). For the reasons stated below, Plaintiff's motion to stay discovery is denied as moot.

I. Background

This action was filed on June 10, 2025, alleging violations of federal trademark law and state law. (Dkt. No. 1). On July 24, 2025, Defendants filed its Answer to the Complaint, which included Counterclaims for intentional interference with contract relations and breach of contract. (Dkt. No.11). On August 14, 2025, Plaintiff filed a motion to dismiss Defendants' Counterclaims for failure to state a claim pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), (Dkt. No. 15), along with a motion to stay discovery pending resolution of the motion to dismiss. (Dkt. No. 16). On August 28, 2025, Defendants amended its Answer and Counterclaims (Dkt. No. 17) and responded to the motion to stay. (Dkt. No. 18). Plaintiff filed a reply regarding the motion to stay. (Dkt. No. 19).

II. Plaintiff's Motion to Stay Discovery

“As a general rule, an amended pleading ordinarily supersedes the original and renders it of no legal effect.” *Joyner v. McMaster*, No. 6:20-cv-01736-DCC, 2020 WL 6120473, at *1 (D.S.C. Oct. 16, 2020) (citation omitted). “As a result, motions directed at the superseded pleading generally are to be denied as moot.” *Eades v. Ark Holdings, Inc.*, No. 8:11-cv-1516-TMC-JDA, 2011 WL 6844534, at *1 (D.S.C. Nov. 23, 2011) (citation omitted). Here, Plaintiff's motion to dismiss addresses the Counterclaims in Defendants' original Answer, which is no longer operative due to the filing of Defendants' amended Answer and Counterclaims, rendering the motion to dismiss moot.¹ Accordingly, the motion to stay to discovery is also moot, as it was requested pending the resolution of the now-mooted motion to dismiss. Therefore, the court will deny the motion to stay discovery as moot.

III. Conclusion

For the foregoing reasons, Plaintiff's motion to stay discovery is **DENIED AS MOOT.**
AND IT IS SO ORDERED.

s/ Richard M. Gergel

Richard Mark Gergel
United States District Judge

September 5, 2025
Charleston, South Carolina

¹ Although the Court's Order addresses Plaintiff's motion to stay, (Dkt. No. 16), the Court will sua sponte deny Plaintiff's motion to dismiss (Dkt. No.15) because Defendants' amended pleading has rendered the motion moot.